

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 4502-1067	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/US2005/000080	International filing date ( <i>day/month/year</i> ) 03 January 2005 (03.01.2005)	Priority date ( <i>day/month/year</i> ) 31 December 2003 (31.12.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant GREEN PACKET, INC.		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	<p>This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 20%;">Box No. I</td> <td style="width: 70%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																							
<input type="checkbox"/>	Box No. II	Priority																							
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																							
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																							
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																							
<input type="checkbox"/>	Box No. VI	Certain documents cited																							
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																							
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 03 July 2006 (03.07.2006)</p> <p>Authorized officer  <b>Agnes Wittmann-Regis</b></p> <p>c-mail: pt06@wipo.int</p>
--	--

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
BENOIT CASTEL  
C/O YOUNG & THOMPSON  
745 SOUTH 23RD STREET  
ARLINGTON, VA 22202

**PCT**

REC'D 02 MAY 2005

WIPO

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) <b>28 APR 2005</b>	
Applicant's or agent's file reference <b>4502-1067</b>	
<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. <b>PCT/US05/00080</b>	International filing date (day/month/year) <b>03 January 2005 (03.01.2005)</b>
Priority date (day/month/year) <b>31 December 2003 (31.12.2003)</b>	
International Patent Classification (IPC) or both national classification and IPC <b>IPC(7): G06F 15/16 and US Cl.: 709/200</b>	
Applicant <b>GREEN PACKET, INC.</b>	

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Meng Ai An Telephone No. 703-305-8498
--	--

Form PCT/ISA/237 (cover sheet) (January 2004)

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/00080

**Box No. I Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US05/00080

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims NONE YES

Claims 1-19 NO

Inventive step (IS)

Claims NONE YES

Claims 1-19 NO

Industrial applicability (IA)

Claims NONE YES

Claims 1-19 NO

2. Citations and explanations:

Please See Continuation Sheet

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US05/00080

Supplemental Box  
In case the space in any of the preceding boxes is not sufficient.

**V. 2. Citations and Explanations:**

Claims 1-19 lack an inventive and industrial applicability under PCT Article 33 (3-4) as being obvious over Brunner in view of Yoshihara.

As to claim 1, Brunner teaches a method of forming an ad-hoc network (Fig. 1) consisting of:

broadcasting (sending message from 42 to 22 1; lines 40-59 column 10) from at least a first network interface (42, Fig. 1) on a first network capable device (mobile station 16', line 25 column 4) at least one data packet including a request to join an ad-hoc network (registration of the mobile station to receive services from a different network, lines 40-59 column 10) and a profile of the requesting device (subscriber profile, lines 53-54 column 10),

receiving at a second network interface (22, Fig. 1) on a second network capable device (mobile station 16, lines 38-39 column 3) a request to join an ad-hoc network (registration of the mobile station to receive services from a different network, lines 40-59 column 10);

responding from the second network device to the first network device with a confirmation of receipt (22 sending a message back to 42, lines 53-59 column 10). Brunner does not teach a profile of the responding device.

Yoshihara teaches a system of communication between devices of different networks wherein the messages between these devices contain profile information (line 30 column 2 to line 31 column 3). It would have been obvious to apply the teachings of Yoshihara to the system of Brunner because the profile information will provide a requesting device with information of a particular responding device from a different network; therefore the system allows a direct communication between these devices.

As to claim 2, Brunner as modified further teaches the initial request to join is further broadcast the from the second network device (lines 8-45 column 9).

As to claims 3-4, Yoshihara further teaches the first network device may additionally broadcast or multi-cast packets requesting an identifying response from every network device capable of joining the network and within range wherein the packets adhere to the IP protocol and the range is set by the TTL information of an IP header (lines 18-60 column 4).

As to claims 5-6, Brunner as modified further teaches the transmitted profile includes an ID unique to the profile, the ID containing information based on the device address and profile includes information on the device user name, the ad-hoc network license identification and the MAC address (line 54 column 7 to line 23 column 8).

As to claims 7-8, Brunner as modified further teaches if the network capable device is capable of operating on differing network mediums it transmits packets in all mediums wherein the network mediums include at least one wireless medium (registration of the mobile station to receive services from a different network, lines 40-59 column 10).

As to claim 9, Yoshihara further teaches the device is a computer and the presence of responding devices is shown on the computer display (display of PC1, Fig. 2).

As to claim 10, Yoshihara further teaches the presence of a responding device is as an icon on the computer display and wherein

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US05/00080

**Supplemental Box**

**In case the space in any of the preceding boxes is not sufficient.**

operations on the icon can show information on the profile or send a user message to the network device represented by the icon (lines 32-59 column 45).

As to claims 11-12, Yoshihara further teaches the computer may maintain a list of contact-able network devices wherein the list may include an attribute which prevents display of that network device presence (lines 18-60 column 4).

As to claim 13, Yoshihara further teaches wherein a computer may have more than a single profile (lines 18-60 column 4).

As to claim 14, Yoshihara further teaches the profiles are managed remotely via HTTP (lines 50-65 column 19).

As to claims 15-18, they are apparatus claims of claims 1, 9, 8 and 4, respectively. Therefore, they are rejected for the same reasons as claims 1, 9, 8 and 4 above.

As to claim 19, it is apparatus claim of claims 9-10. Therefore, it is rejected for the same reasons as claims 9-10 above.